

REMARKS

The Claim Amendments

Applicants have canceled claims 1-28, 36-37 and 41 (claims 38-40 were previously canceled). Applicants have amended claims 29-31, 34 and 35 consistent with their election of Group VIII and election of a species for examination. These amendments and cancellations are specifically without waiver of applicants' right to seek patents to the canceled subject matter in this application or in other applications claiming the benefit or priority of this application.

The Restriction Requirement

The Examiner has restricted claims 1-37 and 41 pending in this application into eight (8 groups):

- I. Claims 1-8, 17-18, 36, 37 and 41, in part, drawn to an OCTI polynucleotide, vector and host cell.
- II. Claims 9-10, drawn to a method of making polypeptides.
- III. Claims 11, 36, 37 and 41, in part, drawn to an OCTI polypeptide.
- IV. Claims 12-14, 36, 37 and 41, in part, drawn to an OCTI antibody.
- V. Claims 15-16, 36, 37 and 41, drawn to a transgenic animal.
- VI. Claim 19, drawn to a method of identifying a SNP.
- VII. Claims 20-28, drawn to a method of identifying a prodrug or drug or inhibitor capable of modulating the activity of an OCTI polypeptide.
- VIII. Claims 29-35, drawn to diagnostic methods.

Applicants elect Group VIII (claims 29-35) for prosecution in this application. Applicants make this election specifically without waiver of their right to seek patents directed to the non-elected claims in this application or in applications claiming the benefit and priority of this application.

The Examiner has also required that applicants elect a specific SEQ ID NO as well as a polymorphic position within the SEQ ID NO.

Applicants elect SEQ ID NO:4 (DNA). They elect position 10 as the polymorphic position in SEQ ID NO:4. One specific mutation at position 10 is C>T, *i.e.*, 109130 C>T (GI:95816007).

A protein encoded by a DNA comprising SEQ ID NO:4 is identified as SEQ ID NO:28. The polymorphic position in SEQ ID NO:28 corresponding to position 10 in SEQ ID NO:4 is position 6. One specific mutation at position 6 is Arg>Cys, *i.e.*, Arg61Cys (GI:2511670).

Applicants believe that both sequences (DNA and protein) should be examined together in this application. Indeed, applicants have amended elected claims 29-35 to be consistent with that species election. They, therefore, request that the Examiner examine both sequences in this application. No additional search or examination burden is required. Moreover, the DNA and the protein encoded by that DNA are patentably indistinct.

Claims 29-35 encompass the elected species.

In response to the July 16, 2008 Notice of Non-Compliant Amendment, applicants have introduced a new listing of claims and corrected their previous amendments to claims 29, 30-31 and 34.

In claim 29, they have corrected the “.” after subparagraph (c); inserted “of the OCT1 gene (GenBank Accession No: GI:9581607)” in subparagraph (d); inserted a space between “61” and “of” in subparagraph (g); and reinserted “in a sample from a subject” after subparagraph (g).

In claim 30, they have corrected the “.” after subparagraphs (c) and (g); inserted “of the OCT1 gene (GenBank Accession No: GI:9581607)” in subparagraph (d); inserted a space between “61” and “of” after subparagraph (g); and shown the deletion of “of claim 12” in the final clause of the claim.

In claim 31 they have shown the deletion of “of claim 11” in the second paragraph of the claim; corrected the “.” after subparagraphs (c) and (g); inserted “of the OCT1 gene (GenBank Accession No: GI:9581607)” in subparagraph (d), inserted a space between “61” and “of” in subparagraph (g); and shown the deletion of “of claim 12” in the final clause of the claim.

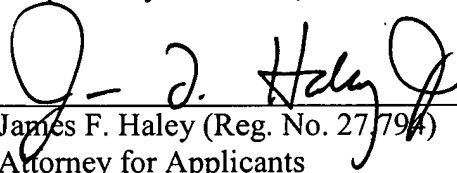
In claim 34, they have shown the deletion of “of claim 1” in the initial paragraph of the claim; corrected the “.” after subparagraphs (c) and (g); inserted “of the OCT1 gene (GenBank Accession No: GI:9581607)” in subparagraph (d); inserted a space between “61” and “of” in subparagraph (g); and shown the deletion of “of claim 17 or 18” in subparagraph (a) (second occurrence).

Applicants apologize for any inconvenience the non-compliant amendment may have caused the Examiner.

CONCLUSION

Applicants request that the Examiner consider and allow amended claims 29-35.

Respectfully submitted,



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